

### **REMARKS/ARGUMENTS**

This reply is in response to the Office Action dated December 10, 2007. Claims 1-53 are pending in the application and stand rejected. Applicants have amended the claims to more clearly recite aspects of the invention. Independent claims 1, 7, 18, 28, 39, and 50-53 have been modified to require the ionomer layer be a surface layer. Support for this can be found in the specification at paragraphs [0038] to [0042] and [0100]. These claims have further been modified to delete references to polyamide compounds and polyethylene-vinyl alcohol in the substrate and/or backing layer of the subject matter. Entry of the foregoing amendment and reconsideration of the claims are respectfully requested.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-53 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,413,644 to Ashcraft. Applicants have amended base claims 1, 7, 18, 28, 39, 50, 51, 52, and 53, obviating the rejection. Ashcraft only teaches embodiments having a surface layer of EVOH for adhering to a glass surface (see Ashcraft, at Abstract, Figure 2, and column 3, line 54 to column 4, line 19). Accordingly, Ashcraft does not teach the presently claimed embodiments which require an ionomer surface layer. Moreover, Ashcraft fails to disclose or suggest the claimed substrate and/or backing layer of the present claims. The corresponding "stock layers" of Ashcraft are described as typically including "paperboard, cardboard and metal foils" or "layers of ethylene vinyl alcohol and polyolefin." Ashcraft, column 4, lines 2-13. Please note that by the present amendment, "polyethylene-vinyl alcohol" has been deleted from the claim portions describing backing layer and/or substrate.

Accordingly, Ashcraft fails to disclose or suggest the subject matter of the present claims which relate to compositions and processes involving the combination of surface ionomer layers with specific base layers and/or substrates in combination with a laminate and/or tie layer, where the backing or substrate comprises acrylonitrile-ethylene-styrene; acrylonitrile-styrene-acrylate; butyl rubber; halogenated butyl rubber; a copolymer of isobutylene and an alkylstyrene; polyisobutylene; a chlorosulfonated polyethylene rubber; a copolyester; a cyclic olefin copolymer; a dynamically vulcanized alloy; a liquid crystal polymer; natural rubber; a general purpose rubber; nitrile rubber; polyacrylonitrile; a polyarylate; a polyaryletherketone;

polybenzimidazole; polybutylene terephthalate; polybutylene naphthalate; a polyester elastomer; polyethylene naphthalate; polyetherketone; polyethersulfone; polyimidesulfone; polymethacrylate-acrylonitrile-butadiene-styrene; polyphenylsulfone; polymethylmethacrylate; a high impact polystyrene; syndiotactic polystyrene; polystyrene maleic anhydride; a crosslinked, glass-reinforced, polyester/polystyrene composition; a bulk molding compound; a crosslinked polyurethane; a reinforced polyurethane; crosslinked dicyclopentadiene; a silicone rubber; a styrene block copolymer; a compression-molded article of woven, glass-fiber-reinforced polypropylene fibers; or mixtures thereof, as recited in the claims. For at least these reasons, withdrawal of the rejection and allowance of the claims are respectfully requested.

Claims 1-53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,682,825 to Kennedy et al. (hereinafter "Kennedy"). Applicants have amended base claims 1, 7, 18, 28, 39, 50, 51, 52, and 53, obviating the rejection. In Kennedy's embodiments of Figures 4 and 5, relied upon by the Examiner as anticipating applicants' claimed subject matter, the disclosed structures have an ionomer outer sealant layer and further comprise a tie layer and an additional layer corresponding to the substrate and/or backing layers of the present claims. However, the additional layer is described by Kennedy as a "thermoforming and heat-resistant layer 54" which "is composed of polyamide" (Kennedy, at column 19, lines 53-54), and a "thermoforming and abuse layer 64" which "is composed of polyamide" (Kennedy, at column 20, lines 29-30). Elsewhere, Kennedy teaches "thermoforming layers comprise polyamide, ethylene/propylene copolymer, and propylene homopolymer; more preferably, nylon 6, nylon 6/6, amorphous nylon, ethylene/propylene copolymer, and propylene. (Kennedy, at column 10, lines 4-8). Similarly, Kennedy teaches "heat-resistant layers comprise at least one member selected from the group consisting of polyamide; more preferably, nylon 6, nylon 6/6, amorphous nylon, ethylene/propylene copolymer, and propylene homopolymer." (Kennedy, at column 10, lines 13-17).

By the present amendment, the claims no longer specify polyamide compounds as a component of the substrate and/or backing layers of the invention. Applicants note the remaining presence of "glass-fiber-reinforced polypropylene fibers," but respectfully submit they are neither disclosed nor suggested in the context of the present invention by Kennedy's mention

of "propylene homopolymer." Accordingly, Kennedy does not teach or suggest the presently claimed embodiments which require a particular claimed substrate and/or backing layer. Thus, Kennedy fails to disclose or suggest the subject matter of the present claims which relate to compositions and processes involving the combination of surface ionomer layers with specific base layers and/or substrates in combination with a laminate and/or tie layer, where the backing or substrate comprises acrylonitrile-ethylene-styrene; acrylonitrile-styrene-acrylate; butyl rubber; halogenated butyl rubber; a copolymer of isobutylene and an alkylstyrene; polyisobutylene; a chlorosulfonated polyethylene rubber; a copolyester; a cyclic olefin copolymer; a dynamically vulcanized alloy; a liquid crystal polymer; natural rubber; a general purpose rubber; nitrile rubber; polyacrylonitrile; a polyarylate; a polyaryletherketone; polybenzimidazole; polybutylene terephthalate; polybutylene naphthalate; a polyester elastomer; polyethylene naphthalate; polyetherketone; polyethersulfone; polyimidesulfone; polymethacrylate-acrylonitrile-butadiene-styrene; polyphenylsulfone; polymethylmethacrylate; a high impact polystyrene; syndiotactic polystyrene; polystyrene maleic anhydride; a crosslinked, glass-reinforced, polyester/polystyrene composition; a bulk molding compound; a crosslinked polyurethane; a reinforced polyurethane; crosslinked dicyclopentadiene; a silicone rubber; a styrene block copolymer; a compression-molded article of woven, glass-fiber-reinforced polypropylene fibers; or mixtures thereof, as recited in the claims. For at least these reasons, withdrawal of the rejection and allowance of the claims are respectfully requested.

## CONCLUSION

Having addressed all issues set out in the office action, Applicants respectfully submit that the pending claims are now in condition for allowance. Accordingly, Applicants request early and favorable reconsideration in the form of a Notice of Allowance.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

If necessary to affect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket #:2003B049/2).

Respectfully submitted,

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Date

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